

January 20, 1981

LB 389-433

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Chairman and Senator Chambers, I merely want to state the fact that your very presence here and the fact that we are listening to you is a contradiction of your remarks that you do not have freedom. Thank you, Mr. President.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Speaker, members of the body, I would like to request permission we lay over the resolution until the hostages are in the air.

SPEAKER MARVEL: Any objection? If not, so ordered. We will go to item #6 now, introduction of bills.

CLERK: Mr. President, new bills. (Read by title LB 389-432. See pages 271-280 of the Legislative Journal.)

SENATOR CLARK PRESIDING

SENATOR CLARK: Could I have your attention just a moment, please? The AP has reported that the American hostages will fly out of Iran in the next thirty minutes. (applause).

CLERK: (Read by title LB 433. See pages 280-281.)

SENATOR CLARK: Senator Nichol, for what purpose do you arise?

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I wanted to say something but I don't want to say it if we have urgent business to do. This will take about two or three minutes.

SENATOR CLARK: Continue, we don't have any business right now.

SENATOR NICHOL: Okay, Senator Marsh has a bill in having to do with mammals and I wanted to tell you the story of the three mammals if I may. May I do that, sir?

SENATOR CLARK: Go right ahead if it is funny.

SENATOR NICHOL: Well, I don't know about that but once upon a time there were three mammals who lived happily in Mammalary Land. There was a papa mammal that we called Pappy and mama mammal that we called Mama and baby mammal we called Babble and the reason we called baby mammal Babble was because he talked a lot and asked embarrassing questions.

March 12, 1981

LB 51, 104, 150, 151, 154, 179, 190,
195, 204, 204A, 205, 220, 272, 409,
403.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)...Tom Huxtable who is the Minister of the Eastridge Presbyterian Church.

REV. TOM HUXTABLE: Prayer offered.

SPEAKER MARVEL: Will you all record your presence, please.

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives. Mr. President, Senator Burrows would like to be excused until he arrives. Senator Wagner and Senator Labeledz until they arrive.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: A record attendance, please. A record vote on attendance, please.

SPEAKER MARVEL: Record the vote.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Do you have any other items on your desk?

CLERK: Yes, sir, I do. Mr. President, I have several matters to read in. Mr. President, LBs 51, 150, 195, 272, 409, and 154 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 51, LB 150, LB 195, LB 272, LB 409, LB 154.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports LB 104 is correctly engrossed and LB 205 correctly engrossed. (Signed) Senator Kilgarin as Chair. (See page 874 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 190 and recommend that same be placed on Select File with amendments; 220 Select File, 151 Select File with amendments; 179 Select File with amendments; 204 Select File with amendments; 204A Select File. (Signed) Senator Kilgarin, Chair. (See page 873 of the Legislative Journal.)

Your Committee on Banking reports LB 403 to General File

January 8, 1982

LB 492, 258A, 403

SPEAKER MARVEL: The motion is the adoption of the Kahle amendment to LB 492. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 0 nays on the adoption of Senator Kahle's amendment.

SPEAKER MARVEL: The motion is carried. The Kahle amendment is adopted. Now we are ready for the bill as a whole. Do you want to move advancement of the bill?

SENATOR KAHLE: Mr. Speaker, members, I then move that LB 492 as amended be advanced.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now, Senator Hefner, do you want to take up LB 258A.

CLERK: Mr. President, Senator Hefner would move to withdraw LB 258A. That motion was made last year and it is now before us.

SENATOR HEFNER: Mr. President, members of the body, I move that LB 258A be withdrawn, and the reason is because 258 was killed last year so I see no reason to keep 258A on General File. I urge you to vote with me to withdraw this bill.

SPEAKER MARVEL: The motion before the House is the Hefner motion which is to withdraw LB 258A. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays on the motion to withdraw the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is withdrawn. Senator Clark, are you ready for 229?

CLERK: Mr. President, LB 403 introduced by Senator Vard Johnson. (Read title). The bill was first read on January 20 of last year, referred to the Banking Committee for public hearing. The bill was advanced to General File and there are committee amendments pending by the Banking Committee, Mr. President.

SENATOR DeCAMP: Mr. President, members of the Legislature, I am going to basically defer to Senator Vard Johnson, whose bill it is, to do the whole bill, amendments and all.

SENATOR VARD JOHNSON: Mr. Speaker, members of the body, I understand why Senator DeCamp is deferring to me. I talked to Senator Don Wagner right before lunch and he said, you know, coming back into session and just starting right out at full tilt is a little like starting your car with the motor running at full speed and you have the brakes on, just take the brakes off and the car just shoots forward, and sometimes it is difficult to get the memory working again as to precisely what we were doing. So I can...as to what that bill is all about, so I can appreciate Senator DeCamp's deferring that to me on this bill graciously. LB 403 I introduced last year to add two additional grounds to the existing real estate licensing statutes with respect to revoking the licenses of real estate agents. The Banking, Commerce and Insurance Committee heard the bill and offered committee amendments to the bill which effectively eliminate one of the two grounds for...one of the two grounds I put in...for revoking real estate licenses and altered the other ground in probably a more meaningful way. The committee amendment when adopted would provide this. Among other reasons why a realtor's license could be suspended or revoked would be if a realtor engaged in the following conduct: "Inducing or attempting to induce a person to transfer an interest in real property, whether or not for monetary gain, or discouraging another person from purchasing real property by representing that (a) a change has occurred or will occur or may occur in the composition with respect to religion, race, color, national origin, age, sex, or marital status of the owners or occupants in the block, neighborhood, or area, or (b) such change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area;" Now if the amendment is adopted, that is exactly how the bill itself would read. The basic purpose of the bill is to address certainly an urban problem which simply is racial steering by realtors, of persons who wish to buy houses steering black families essentially into neighborhoods that are all black or partially black, steering white families into neighborhoods that are all white. It is a practice that has gone on for some period of time, not lawfully, but it has gone on. As part and parcel of the Omaha school desegregation case that was tried in 1974, there was a tremendous amount of testimony concerning racial steering. The court, in fact, found that racial steering existed in Omaha. There was a study that was done a year ago by a neighborhood housing coalition in Omaha found that there is still racial steering going on. Now what this sanction does is it makes it very clear to realtors of the world that our Real Estate Commission will not countenance

this. It is an illegal act and licenses can be revoked if it can be found that such acts are engaged in. I, at this time, would ask the body to support the committee amendment.

SPEAKER MARVEL: Senator Higgins, do you wish to speak to the committee amendments?

SENATOR HIGGINS: Yes, sir. I would like to ask Senator Johnson a question.

SENATOR VARD JOHNSON: Senator Higgins.

SENATOR HIGGINS: Senator Johnson, how long would you revoke a realtor or a real estate agent's license because of these things?

SENATOR VARD JOHNSON: Well, Senator Higgins, you almost have to reacquaint me with the real estate act. At this time there are twenty-eight reasons why a real estate license could be revoked. It is my understanding, and I am just adding a twenty-nine, it is my understanding that the revocation or suspension will go on for such period of time as the Real Estate Commission believes is warranted given the circumstances of the particular act that is engaged in, and that is existing law. My law didn't change that in the least. When they find this particular violation, then the revocation will go on for whatever period of time the Real Estate Commission thinks is appropriate.

SENATOR HIGGINS: I just wanted to point out to you and the rest of the body that I know of one real estate agent in Omaha who has had his license revoked or suspended probably three, four, five times, many times for cheating people, out-and-out cheating them, and so I am just wondering if your bill is really going to cure your problem because revocation of a license for thirty days doesn't do that much, you know. I am not against your bill. I am just saying maybe you ought to put something in there about how long, and if it is a first, second or third offense. Thank you, Senator.

SPEAKER MARVEL: Senator Johnson, was your motion to...

SENATOR VARD JOHNSON: Adopt the committee amendments.

SPEAKER MARVEL: ...adopt the committee amendments? Okay, that is the issue before the House. Is there any further discussion? All those in favor then of Senator Johnson's motion vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays on adoption of committee amendments.

January 8, 1982

LB 403, 229

SPEAKER MARVEL: Motion is carried. The committee amendments are adopted. Now what would you like to do with the amendments?

SENATOR V. JOHNSON: I move the bill be advanced. I pretty much made my remarks concerning the bill when I dealt with the committee amendments. If any members have any questions I will be glad to take them up.

SPEAKER MARVEL: The motion is the advancement of the bill as explained by Senator Johnson. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried and the bill is advanced. Senator Clark, are you ready for 229?

CLERK: Mr. President, LB 229 (read title). The bill was read on January 16, referred to Public Works Committee for public hearing last year. It was advanced to General File, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President and members of the Legislature, this is kind of a simple bill and I will explain really what it does. If someone is living in one telephone exchange, and we have forty-three of them in Nebraska, and they want to go to another exchange, they go to the Public Service Commission and said, "I have inadequate service because I have to make a toll call to another exchange", what this bill says is that making a toll call is not inadequate service. As long as your telephone is working, it is not inadequate service. The Public Service Commission has always stated that that is not inadequate service. However, this is to clarify a court action that it is not inadequate service just because you have to belong to another exchange. There are circumstances where the telephone regulatory body, which is the PSC, will allow you to go to another exchange if it is agreeable with both exchanges. But you can see the mess we would have in Nebraska if they would just arbitrarily go from one exchange to another. The telephone companies are set up to where the installer of that telephone may have spent eight, ten, fifteen thousand dollars installing the telephone and then they would have to go to another exchange, it would not be fair. So I would move that 229 be advanced to E & R.

January 19, 1982

LB 229, 309, 403, 417, 418, 490,
492, 542, 563, 564, 565, 566, 421

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Gerald Lundby, Paster of the American Lutheran Church here in Lincoln.

REVEREND LUNDBY: Prayer offered.

PRESIDENT: Roll call. Have you all registered your presence? Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: Mr. President, page 322, line 32, strike "960" and insert "860". On page 309, line 5, strike "7 nays" and insert "9 nays".

PRESIDENT: The Journal will stand corrected as published. Any messages, reports or announcements.

CLERK: Mr. President, your committee on Public Health gives notice of hearing for January 25, 26, February 1, 2 and 9, and that is signed by Senator Cullan.

Your committee on Administrative Rules gives notice of hearing for Monday, January 25.

Your committee on Urban Affairs whose Chairman is Senator Landis gives notice of hearing for January 27 and February 3.

Mr. President, I have an appointment from the Secretary of State to the Political Accountability and Disclosure Commission. That will be referred to the Reference Committee. (See page 331 of the Legislative Journal).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 492 and recommend that same be placed on Select File with amendments; 403 Select File with amendments; 229 Select File; 563 Select File; 564 Select File; 565 Select File; 566 Select File; 309 Select File; 417 Select File with amendments; 421 Select File with amendments; 418 Select File; 490 Select File; 542 Select File with amendments. Those are all signed by Senator Kilgarin as Chairman. (See pages 333 through 339 of the Legislative Journal).

CS65

January 28, 1982

LB 264, 403, 492

SPEAKER MARVEL: I will have to get the answer for you. We just got through working this out. We're not going to neglect any bill. All we're trying to do is to take the bills that have less problems involved so that we can process them.

SENATOR PIRSCH: Okay, thank you.

SENATOR CLARK: We're ready for item #6, Select File. The first bill we will take up will be LB 264. Senator Kilgarin.

CLERK: There are E & R, Senator.

SENATOR CLARK: I don't think there is any amendments on any of these, are there, Mr. Clerk?

CLERK: Just E & R, Senator, on some of them.

SENATOR CLARK: Yes, alright.

SENATOR KILGARIN: I move the E & R amendment to LB 264.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. The amendments are adopted. Senator Kilgarin. Do you want to move the bill?

SENATOR KILGARIN: I move we advance LB 264.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. The bill is advanced. LB 492.

CLERK: There are E & R, Senator.

SENATOR KILGARIN: (Mike not on.) ...LB 492.

SENATOR CLARK: Do you want to advance it? The E & R amendments, alright. You heard the motion. All those in favor say aye, opposed nay. The amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 492.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. The bill is advanced. LB 403.

CLERK: There are E & R, Senator.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 403.

SENATOR CLARK: The motion is to adopt the amendments, the E & R amendments. All those in favor say aye, opposed nay. The amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 403.

SENATOR CLARK: The motion is to advance LB 403. All those in favor say aye, opposed nay. Senator Haberman, for what purpose do you rise?

SENATOR HABERMAN: The purpose I rise, I'd like to request a machine vote on these please.

SENATOR CLARK: Do what?

SENATOR HABERMAN: I'd like to request a machine vote on advancing these bills to Final Reading.

SENATOR CLARK: On all of them?

SENATOR HABERMAN: Why not?

SENATOR CLARK: I think you're going to have to do them one at a time. I'm not going to take a motion to do them all.

SENATOR HABERMAN: Well now, I'm not going to argue with you but beings that you feel that way, the book says a senator can request this but I won't push you beings everybody is in such a big hurry but I think we're making a big mistake in doing this so fast. Thank you, Mr. President.

SENATOR CLARK: I don't think we're in a hurry, Senator Haberman. What we're trying to do is clear Select File for those that do not have amendments. If they have amendments and they are controversial, what we're going to do is take them up one at a time in their order with amendments. Do you have any objection to that? A machine vote has been requested on 403. He withdraws the motion. The bill is advanced. LB 229.

CLERK: There are no amendments, Senator.

SENATOR KILGARIN: I move we advance LB 229.

SENATOR CLARK: The motion to advance 229. All those in favor say aye, opposed. The bill is advanced. LB 463. Pardon me, 563.

SENATOR KILGARIN: I move we advance LB 563.

LR 209
LB 229, 264, 309, 347, 403,
418, 423, 490, 492, 542, 563-66,
572, 600, 613, 635, 669

February 1, 1982

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call. Have you all recorded your presence? Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: Mr. President, on page 480, line 3, strike the word "approved" and insert the word "adopted".

PRESIDENT: All right, the Journal will stand as corrected. Any other messages, reports or announcements?

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 613 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 600 indefinitely postponed; and LB 669 advanced to General File with committee amendments attached. That is signed by Senator Kremer. (See page 485 of the Legislative Journal).

Mr. President, Senator Kahle would move to place LB 635 on General File notwithstanding the action of the Public Health and Welfare Committee. That will be laid over.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 229 and find the same correctly engrossed; 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 all correctly engrossed.

Mr. President, I have an Annual Report from the Nebraska State Board of Landscape Architects. That will be on file in my office.

Mr. President, LR 209 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 209.

CLERK: Mr. President, I have a report from Public Works

February 3, 1982

LB 309, 347, 403, 418,
423

CLERK: (Record vote read. See page 518, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read on Final Reading LB 347.

ASSISTANT CLERK: (Read LB 347 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 347. Record.

ASSISTANT CLERK: (Record vote read. See page 519, Legislative Journal.) The vote is 46 ayes, 0 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read LB 403.

ASSISTANT CLERK: (Read LB 403 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 403. Record the vote.

ASSISTANT CLERK: (Record vote read. See page 520, Legislative Journal.) The vote is 46 ayes, 2 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next bill, LB 418.

ASSISTANT CLERK: (Read LB 418 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

ASSISTANT CLERK: (Read record vote. See pages 520 and 521, Legislative Journal.) The vote is 45 ayes, 3 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, LB 423.

ASSISTANT CLERK: (Read LB 423 on Final Reading.)

February 4, 1982

LB 32, 69, 192, 198, 229, 231, 239,
263, 264, 270, 309, 347, 370, 403,
418, 423, 431, 448, 449, 490, 492,
511, 542, 563-66, 572, 592

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Glenn Frazier of the Antelope Park Church of the Brethren.

PASTOR FRAZIER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence? Senator Cope and Senator Warner, would you please record your presence? Record.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything to read into the record?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 69 and find the same correctly engrossed; 192, 198, 231, 239, 263, 370, 431, 448, 449, 511 and 592 all correctly engrossed. (See pages 540 through 544 of the Legislative Journal).

Mr. President, LBs 32, 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 32, engrossed LB 229, engrossed LB 264, engrossed LB 309, engrossed LB 347, engrossed LB 403, engrossed LB 418, engrossed LB 423, engrossed LB 490, engrossed LB 492, engrossed LB 542, engrossed LB 563, engrossed LB 564, engrossed LB 565, engrossed LB 566, engrossed LB 572. We are down to item #4, motions, and the first motion concerns LB 270.

CLERK: Mr. President, LB 270 was last considered by the Legislature January 27th. At that time Senator Barrett offered a motion to indefinitely postpone the bill. That motion prevailed. Subsequent to that action, Senator Cullan offered a motion to reconsider the body's action to indefinitely postpone LB 270. That motion is found on page 450.

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature,

February 10, 1982

LB 264, 309, 347, 403, 418, 542
563-66, 572, 579, 642, 659, 677
703, 705, 718, 719, 722, 724,
764, 774, 778, 779, 797, 852,
879, 606, 32, 229, 490, 492

SPEAKER MARVEL PRESIDING

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Item #2, roll call. Please record your presence. Record your presence. Pat, do you want to record.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything under #3?

CLERK: Mr. President, I have several items. First of all I have a reference report referring LR 218 to the Banking Committee for public hearing.

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: 264, 309, 347, 403, 418, 563, 564, 565, 566 and 572 as found on page 613 of the Legislative Journal.)

A second communication. (Read re. LB 542.) And a third, Mr. President, from the Governor addressed to the Clerk. (Read re. 32, 229, 490 and 492. See pages 613-614 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch reports LB 642 advanced to General File; LB 774 advanced to General File; LB 797 advanced to General File with amendments. Those are signed by Senator Koch.

Your committee on Public Works whose chairman is Senator Kremer offers a corrected statement to LB 852. (See pages 614-615 of the Legislative Journal.)

Mr. President, your committee on Government, Military and Veterans Affairs whose chairman is Senator Kahle reports LB 879 advance to General File with committee amendments attached. That is signed by Senator Kahle. (See page 615 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 606 and recommend that same be placed on Select File; 579 Select File; 703 Select File with amendments; 705 Select File; 718 Select File; 719 Select File; 724 Select File; 677 Select File; 722 Select File with amendments; 659 Select File; 764 Select File with amendments and 778 Select File with amendments and 779 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 615-616 of the Legislative Journal.)